



Entered on Docket
October 27, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING TWENTY-
FOURTH OMNIBUS OBJECTION OF
USACM LIQUIDATING TRUST TO
DOUBLE COUNTED CLAIMS**

Hearing Date: October 19, 2009
Hearing Time: 3:00 p.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Twenty-Fourth Omnibus Objection of USACM
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7547] (the
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate
4 notice of the Objection having been given; no response to the Objection having been filed;
5 and good cause appearing:

6 **IT IS ORDERED** that:

7 1. The Objection [DE 7547] is sustained; and

8 2. The claims listed on **Exhibit A** are disallowed in the amounts shown there as
9 duplicative amount.

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**

12 By /s/ John Hinderaker (018024)

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14 John Hinderaker (*pro hac vice*)
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19 *Attorneys for USACM Liquidating Trust*

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ JH (#018024)
 Rob Charles
 John Hinderaker (*pro hac vice*)
Attorneys for USACM Liquidating Trust

USACM

Exhibit A
Proofs of Claim Asserting Duplicate Amounts

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
UNIVERSAL MANAGEMENT INC A NEVADA CORP	8080 HARBORVIEW RD BLAINE WA 98230	10725-02123	1,438,118.00	719,059.00
WAHL JT TEN WROS, DAVID C & MARGARET A	PO BOX 8012 MAMMOTH LAKES CA 93546	10725-02314	402,299.84	201,149.92
WAHL, DAVID C	PO BOX 8012 MAMMOTH LAKES CA 93546	10725-02315	144,224.96	72,112.48
WEIBLE 1981 TRUST DTD 6/30/81	ARDIS & DEAN F WEIBLE CO TTEES 6314 TARA AVE LAS VEGAS NV 89146	10725-02402	315,193.10	157,596.55
WEIBLE 1981 TRUST DTD 6/30/81	DEAN F & ARDIS WEIBLE CO TTEES 6314 TARA AVE LAS VEGAS NV 89146	10725-02403	555,676.78	277,838.39
WESTBROOK, CONNIE	14320 GHOST RIDER DR RENO NV 89511	10725-01922	296,907.84	148,453.92
WHAT'S ON LIMITED PARTNERSHIP	2013 GROUSE ST LAS VEGAS NV 89134	10725-02360	200,000.00	100,000.00
WHITMAN TRUST DTD 12/01/04	C/O H DANIEL WHITMAN TTEE PO BOX 10200 ZEPHYR COVE NV 89448-2200	10725-02367	406,413.64	203,206.82
WINKLER FAMILY TRUST DTD 3/13/86	CARMEL WINKLER TTEES 10000 ROSSBURY PL LOS ANGELES CA 90064	10725-02280	260,430.44	130,215.22
WINKLER FAMILY TRUST DTD 3/13/86	CARMEL & RUDOLF WINKLER TRUSTEE 10000 ROSSBURY PL LOS ANGELES CA 90064	10725-02279	1,210,635.98	605,317.99